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ORIGINAL



December 6, 2002

EX PARTE

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RECEIVED

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

EX PARTE OR LATE FILED
DEC 6 2002
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: WC Docket No. 02-314 - Application of Qwest
Communications International Inc. for Authorization to Provide
In-Region, InterLATA Service in the States of Colorado, Idaho,
Iowa, Montana, Nebraska, North Dakota, Utah, Washington
and Wyoming**

Dear Ms. Dortch:

Qwest Communications International Inc. ("Qwest") submits this filing in response to several questions from Commission staff pertaining to loop qualification.

The 20-page limit does not apply to this filing.

Respectfully submitted,

Hance Haney

cc: E. Yockus
M. Carowitz
J. Myles
R. Harsch
J. Jewel
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B. Smith
J. Stanley
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Question 1: Please respond to Covad's allegations that "Qwest employees. . . can access information that will determine whether loops are incorrectly statused in LFACS CLECs have **no** ability, at any time, to access information that will determine whether loops are statused incorrectly in LFACS."¹

Question 2: Please respond to Covad's allegations that the evidence in the Minnesota hearings showed that "Qwest was reminding its retail employees that loop qualification information might be inaccurate and that additional steps are required to confirm whether the loop can support xDSL."² What additional steps do Qwest retail employees take? Also, please address Covad's allegations that the Qwest DSL Team in Arizona maintains loop makeup records that are not included in LFACS or available to CLECs.³

Qwest will respond to these two questions together, because they both relate to allegations made by Covad in its *ex parte* of November 21, 2002. Covad's central claim is that evidence uncovered in Minnesota shows that "Qwest personnel do . . . have access to additional back office sources of loop information not made available to **competitors**."⁴ In its *ex parte*, Covad makes reckless and inaccurate claims, none of which are supported by the actual record in Minnesota.'

Covad has made the allegation that Qwest's loop qualification tools discriminate against CLECs in one form or another since the inception of this proceeding in June 2002. Although Covad's November 21 *ex parte* suggests that new evidence came to light in Minnesota, in fact this is nothing more than a disingenuous attempt by Covad to revisit the same issue that Qwest has already addressed repeatedly. In previous filings in this proceeding, Qwest has made it clear that (1) all loop qualification information is available to CLECs through the same Loop Qualification Database used to qualify Qwest Retail DSL; (2) in contrast to Qwest retail who receives only a "Red" or "Green" determination, the CLECs receive all the underlying loop make-up information; (3) the loop qualification information provided to CLECs is sufficient to determine whether a loop can support data services; and (4) CLECs may request a manual search of Qwest's back office systems and databases if the loop makeup information returned by Qwest's Raw Loop Data Tool is

¹ Covad November 21 **Ex** Parte at 3.

² *Id.*

³ *Id.*

⁴ *Id.* at 2.

⁵ Covad's *ex parte* does not cite to any actual evidence in the Minnesota record. Because of Covad's failure to identify actual evidence, Qwest must respond over-inclusively. Qwest will address the allegations made by Covad *in* Minnesota that appear to be the issues to which Covad is referring in its November 21 *ex parte* letter. However, because of Covad's lack of specificity, Qwest will address the remaining issues raised by Covad *in* Minnesota, so that there can be no question in anyone's mind that all of Covad's allegations have been addressed.

unclear, inconsistent, or if they believe it is **inaccurate**.⁶ Covad offers nothing new to refute the evidence that Qwest has already provided about the sufficiency of its loop qualification offerings.

To understand the baseless nature of Covad's allegations, one must refer to the evidence that Covad pointed to in Minnesota, which consists of seven exhibits that Covad claimed support its allegation that Qwest employees can access loop qualification information that CLECs cannot. Contrary to Covad's assertions, however, each of these documents unequivocally supports the position that Qwest provides CLECs with nondiscriminatory access to loop qualification information.

Question 1: Please respond to Covad's allegations that "Qwest employees. . . can access information that will determine whether loops are incorrectly statused in LFACS CLECs have no ability, at any time, to access information that will determine whether loops are statused incorrectly in LFACS."⁷

Covad appears to base its allegation regarding status codes on ***Minnesota Hearing Exhibit 18***, which sets forth Qwest's 11-step process for provisioning unbundled loops.⁸ As Qwest has described numerous times before to this Commission, Qwest applies the identical provisioning process for retail and wholesale orders.⁹ If any loop order is not automatically assigned through LFACS, Qwest employs the 11-step process in an attempt to identify alternate facilities to provision the loop request. The description of this process that Covad references has been filed in this docket and virtually every state 271 proceeding.

Covad's new allegation assumes that Qwest investigates the status of the loop in LFACS as part of the 11-step process by conducting a Mechanized Loop Test ("MLT") during the provisioning process. That is incorrect: Qwest does not conduct an MLT during the 11-step process. Because the 11-step process applies only to provisioning of orders that do not flow through the LFACS database, the investigation of the status of the loop is a manual one conducted by the Loop Provisioning Center ("LPC"). This is not part of the pre-order loop qualification process, and Qwest retail has no visibility of this status information. It is strictly used as part of this 11-step process, whereby Qwest will investigate spare pairs for status problems to determine if a spare can be used to provision a loop. Status updates that are generated by this process are incorporated into LFACS. Because this 11-step provisioning process applies to all orders, Qwest and CLEC alike, CLECs already receive the benefit of any and all investigations that Qwest conducts as part

⁶ See, e.g., Qwest November 7, 2002 **Ex** Parte at 12; Qwest III Reply OSS Declaration of Lynn M.V. Notariami and Christie L. Doherty at ¶¶ 17-18, 26, 45.

⁷ Covad November 21 Ex Parte at 3.

⁸ This document was filed in the Qwest I and Qwest II proceedings as Exhibit WMC-LOOP-7 to the Unbundled Loops Declaration of William M. Campbell.

⁹ See, e.g., Qwest II Unbundled Loops Declaration of William M. Campbell, ¶ 41.

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of this process.” Indeed, Covad has stated that because of the significant benefits of this process and the numerous, additional “chances” of receiving a qualified loop through the 11-step process, Covad does not even use the Qwest pre-order loop qualification tools prior to submitting an order for an unbundled loop.” Again, if CLECs are concerned that the information about a loop in LFACS is unreliable, they may request a manual search of Qwest’s back office systems and databases.

Question 2: Please respond to Covad’s allegations that the evidence in the Minnesota hearings showed that “Qwest was reminding its retail employees that loop qualification information might be inaccurate and that additional steps are required to confirm whether the loop can support xDSL.”¹² What additional steps do Qwest retail employees take? Also, please address Covad’s allegations that the Qwest DSL Team in Arizona maintains loop makeup record that are not included in LFACS or available to CLECs.¹³

Covad does not provide any citations to the Minnesota record to support its allegations that the evidence in the Minnesota hearings showed that “Qwest was reminding its retail employees that loop qualification information might be inaccurate and that additional steps are required to confirm whether the loop can support xDSL.”¹⁴ However, Qwest believes that this allegation refers to *Minnesota Hearing Exhibit 57*.¹⁵ This exhibit is an internal process document that advises Qwest retail coaches about the proper uniform procedure to use in handling customer questions when the retail customer does not qualify for Qwest’s retail DSL service (i.e., receives a “Red” indicator response from the QCity tool) and is unhappy with this response. It advises Qwest retail personnel on how to respond to customers and to refer questions or escalation requests to the DSL Center (“DSL”) to reconfirm the customer does not qualify for Qwest DSL. There is nothing in this document that supports Covad’s contention. The only process mentioned that could be construed as “additional steps” to confirm if the loop supports DSL would be the fact that the DSLC can request a manual loop qualification look-up. This process is, again, the exact same process that is available to the CLECs for manual investigation of a loop via the Database Administration Group (“DAG”).¹⁶ Qwest made it plain in Minnesota that the

¹⁰ Minnesota Trans. 9/6/02 (Pappas) at 95:15-22 (provided as Attachment 1); *see also* Qwest II Unbundled Loops Declaration of William M. Campbell, ¶ 41 (“Once a valid service order has been received by Qwest, all retail and wholesale orders follow the same facility assignment process.”).

¹¹ Minnesota Trans. 10/8/02 (Cutcher) at 85:8-23 (provided as Attachment 2). Covad’s prequalification tool for stand-alone loops does not incorporate, use, or rely upon information from Qwest’s Raw Loop Data tool in any way. *Id.* at 87:21-88:8.

¹² Covad November 21 Ex Parte at 3.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See* Confidential Attachment 3. With the exception of Qwest’s 1 I-step process, referenced in footnote 8, the exhibits Covad filed in Minnesota were confidential documents, and they are treated as confidential material in this filing as well.

¹⁶ The document also states that Qwest will *not* modify or condition the loop to make it qualify for Qwest DSL service. If a customer would like to be advised periodically about the status of their loop, they can be

exact same personnel and process are used to conduct manual loop qualifications for both CLEC and retail orders.”

With regard to Covad’s allegations that the Qwest DSL Team in Arizona maintains loop makeup records that are not included in LFACS or available to CLECs, Covad made similar allegations in Minnesota, based solely upon *Minnesota Hearing Exhibit 82*.¹⁸ This exhibit is Qwest’s process document for the provision of Qwest retail DSL. As an initial matter, *Minnesota Hearing Exhibit 82* only refers to the group in Arizona in a section titled “Removing Bridged Tap.” Qwest does not condition loops in any way – including the removal of bridged tap – to support retail DSL, and Qwest’s witness in the Minnesota proceedings made this absolutely clear.” Thus, Covad’s purported concerns about a group in Arizona getting advanced warning of line conditioning is not supported by the record evidence in Minnesota.

This conclusion is further supported by closer examination of *Minnesota Hearing Exhibit 82*. This Exhibit is an internal Qwest network process document that describes the steps to be taken by a Network Technician to restore voice service for Qwest customers who also have Qwest DSL service and to provision POTS service in a DSL environment. It includes a description of Qwest’s DSL products, architecture, repair and trouble isolation issues a technician should be familiar with in troubleshooting the repair of DSL service. The document says, “The facilities databases must be kept as accurate as possible. Megabit (now called Qwest DSL) service relies heavily on accurate records. Qwest has established a group in Phoenix, Arizona charged with analyzing and updating facility records. As a result of this teams work, records are kept current when bridged tap is removed.”²⁰

In the first instance, the Phoenix group, a network organization, was charged with analyzing and updating facility records and ensuring changes were input into LFACS. Any information that this group may have determined was incorrect or inconsistent was indeed included in LFACS and available to CLECs via the Loop Qualification Database (“LQDB”). During the first quarter of 2002, this Phoenix team was disbanded and its functions discontinued. Now, the investigation process is performed by the Database Administration Group (“DAG”), also a network organization. As the Commission knows, Qwest now offers a manual loop qualification process when information in the Raw Loop Data Tool is inconsistent. The DAG provides this manual look-up and loop investigation

referred to the sales organization, which agrees to advise them when DSL becomes available in their area. Qwest provides the same auto re-qualification in the pre-order capability available to CLECs through IMA EDI.

¹⁷ Minnesota Trans. 9/11/02 (Brohl) at 31:23 – 32:13 (provided as Attachment 4) (“ when it needs to have a manual loop makeup process performed for it, submits and email to a particular group in network that is the same group that handles that on the wholesale side...”).

¹⁸ See Confidential Attachment 5.

¹⁹ Minnesota Trans. 9/12/02 (Stewart) at 227:9 - 228:4 (provided as Attachment 6).

²⁰ *Minnesota Hearing Exhibit 82* (Confidential Attachment 5) at 14-15.

function for both Qwest retail and CLEC inquiries. As explained above, Qwest also made this clear in the Minnesota hearing. As Qwest has repeatedly affirmed to this Commission, the single source of retail and wholesale loop information is the Loop Qualification Database (“LQDB”), which uses LFACS as its source.²¹

Other Minnesota Issues: As stated above, Covad does not cite to any evidence for its claims that the Minnesota record establishes that Qwest does not provide nondiscriminatory access to loop qualification information. Qwest believes that it has addressed Covad’s specific allegations in the preceding paragraphs. However, Covad made numerous allegations during the Minnesota proceeding, and it is possible that some of the ill-defined and unsubstantiated allegations in Covad’s *ex parte* are based on these other allegations. Therefore, Qwest will demonstrate that none of the other issues raised by Covad in Minnesota have any merit.

In Minnesota, Covad made reference to a February 21, 2001 transcript from a workshop proceeding in Colorado concerning the proposed xDSL Firm Order Confirmation (“FOC”) trial. The trial resulted in agreement to transition from a 24-hour FOC to a 72-hour FOC for xDSL loops. The transcript reference cited by Covad simply states that Qwest does what it can to prevent a double dispatch of a technician.²² The net effect is to turn up xDSL loops and shared loops for CLECs early whenever possible. As Qwest has previously pointed out in this proceeding, the fact that Qwest is able to turn up xDSL loops and shared loops ahead of schedule is an advantage to CLECs and is one of the reasons for the results of PID PO-15.

In Minnesota, Covad complained that Qwest’s technicians can provide updated information to LFACS by completing a “technician feedback” form, rather than a “Technician Facilities Form,” and sending the “technician feedback” form to the LRAC. Covad based this allegation on *Minnesota Hearing Exhibit 28*.²³ As an initial matter, the document does not say Qwest uses any particular form. Regardless of the form Qwest uses, the information Qwest technicians obtain is updated into LFACS. *Minnesota Hearing Exhibit 28* is titled “Customer Disqualification Process for DSL” and concerns situations “to identify the process for Network Personnel when a customer is disqualified due to loop qualification issues.” Specifically, when a technician is dispatched to the field and “determines that the customer does not qualify for DSL due to loop qualification issues the customer will be notified and DSL service removed via an order.” The specific terms of the document require the technician to inform the customer that their loop is not

²¹ See, e.g., Qwest November 7, 2002 **Ex Parte** at 12; Qwest III Reply OSS Declaration of Lynn M.V. Notariami and Christie L. Doherty at ¶ 17.

²² The Colorado transcript was filed as part of the Qwest I proceeding. See Qwest I Application, Appendix K (Colorado), Vol. I, Tab 546, at 18:16 – 23:11

²³ See Confidential Attachment 7.

qualified, apologize, and the LRAC then closes the ticket.²⁴ At this point, the DSL Center “will issue the necessary order, whether it is to remove DSL or add Narrow Band.”

Covad also complained about the form on which the technicians provide information to update LFACS, citing *Minnesota Hearing Exhibit 27*.²⁵ This exhibit provides the details for how technicians are supposed to complete the tasks identified in *Minnesota Hearing Exhibit 28* (discussed above). Covad’s complaint regarding which form the technicians use to provide updates to LFACS is immaterial. Regardless of what form the technicians use, as noted above, the information in LFACS is updated. Either way, CLECs and retail representatives receive information about these changes in their loop qualification tools simultaneously.

As the Commission knows, Qwest provides CLECs with many additional options to obtain alternative facilities including, but not limited to, line conditioning, line and station transfers, and holding the order for 30 business days in the hope of finding alternative facilities. Of course, the CLEC can also decide it does not want to pay for line conditioning, and therefore ask that the order be rejected. All of this is in the CLEC’s control.

Finally, Covad alleged in Minnesota that a document that contains a draft of a process that Qwest has never implemented somehow indicates that Qwest fails to provide nondiscriminatory access to loop qualification information. That document is *Minnesota Hearing Exhibit 83*,²⁶ which is titled “Megabit Provisioning when the Central Office places a Jeopardy for Loads.” This document outlines the process Qwest would utilize if it unloaded pairs for its own retail DSL service. As Qwest’s witness explained in the Minnesota hearing, at various times Qwest has considered whether it should condition loops for retail DSL.²⁷ However, Qwest has always opted against this idea. During the hearing, Qwest explained that this document was created for the situation when, if ever, Qwest begins conditioning lines.”²⁸ Qwest emphatically added that that situation does not exist yet. In fact, *Minnesota Hearing Exhibit 57* (another exhibit to which Covad cites) contains a script for retail representatives to inform customers that conditioning is not an option. The exhibit states, at page 13:

“I’m sorry, but Qwest’s tariffs do not allow for line conditioning to enable DSL qualification. Our current tariff rates do not allow us to make changes to individual customer’s telephone lines to accommodate Qwest DSL.”

²⁴ Qwest already placed **much** of **this** information into the record in a November 7, 2002, *ex parte*

²⁵ See Confidential Attachment 8.

²⁶ See Confidential Attachment 9.

²⁷ Minnesota Trans. 9/13/02 (Stewart) at 100:18 – 101:8 (provided as Attachment 10).

²⁸ Minnesota Trans. 9/13/02 (Stewart) at 108:18 – 109:13 (provided as Attachment 10).

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Thus, the very exhibit upon which Covad relies makes plain that Qwest does not condition loops to provision retail DSL. Moreover, during the Minnesota hearing Qwest introduced a separate exhibit (*Minnesota Hearing Exhibit 93*²⁹), which shows that Qwest has a jeopardy code for eliminating load coils; however, the document explains “this process is not currently being utilized.” Thus, the exhibit upon which Covad relies is a process document that “is not in effect and is not being utilized.”³⁰

Question 3: Please respond to Covad’s allegations that “tip and ring imbalance, ground conditions, foreign voltages, and open conditions are relevant to the pre-order determination of whether or not DSL can be successfully provisioned.”

While Covad asserts that “pre-order MLT testing is an extremely valuable source of information about the capabilities of a specific cable pair to support advanced services using line sharing,”³¹ Covad has previously stated that it has every category of information it needs to perform DSL prequalification. As Qwest pointed out in its Reply Comments, during the Minnesota hearing, Covad acknowledged that all of the “categories of information it requires in order to determine whether it can offer xDSL services” are contained within Qwest’s Raw Loop Data Tool.³²

Covad’s acknowledgement that the Raw Loop Data Tool provides all information it requires to pre-qualify a loop confirms Qwest’s contention that the information returned by an MLT is relevant to repair issues, not loop pre-qualification issues. An MLT returns information regarding whether certain faults exist on a line, which should be resolved by submission of a repair ticket. Faults such as tip and ring imbalance, ground conditions, foreign voltages, and open conditions are simply conditions that exist on a loop at a given point in time and, as such, may be resolved through the repair process. Such conditions are not reflections of the characteristics of the loop or whether the loop can support a particular service.

Further, it is presumed when provisioning a line-shared loop that the voice service is functioning within prescribed parameters. Covad historically has not complained about

²⁹ See Confidential Attachment 11.

³⁰ Minnesota Trans. 9/13/02 (Stewart) at 108:18 – 109:13 (provided as Attachment 10).

³¹ See Covad November 21 Ex Parte at 3.

³² See Qwest III Reply OSS Declaration of Lynn M.V. Notarianni and Christie L. Doherty at ¶ 22. Qwest does not find it necessary to use the information Covad identifies in its *ex parte* when determining whether a loop can support Qwest’s own retail DSL services. Furthermore, the Commission has never indicated that tip and ring imbalance or the other items Covad mentions are required loop qualification information. See, e.g., *UNE Remand Order*, 15 FCC Rcd 3696, 3885 (¶ 427). While certain types of loop make-up information – such as loop length and the presence of load coils and bridged tap – are widely recognized as information necessary to qualify a loop for DSL, the relevance of the information that Covad identifies in its *ex parte* is speculative at best. In addition, as explained above, the categories identified by Covad relate to potential repair issues and do not constitute information regarding the characteristics of the loop.

the quality of line-shared loops. In the past, Covad has raised issues regarding the quality of wiring in the central office, which are not issues that would be reflected in MLT results. To rectify the allegations around central office wiring, Qwest has already agreed to begin conducting router testing early in 2003. Thus, in the rare event that the loop is not performing to defined voice transmission parameters, Qwest's repair process is the appropriate mechanism to correct identified fault conditions.

Question 4: What steps does Qwest take in provisioning line-shared orders if there are faults that cause significant degradation of data service without significant degradation of voice service? How does Qwest detect these types of problems?

During the provisioning of line-shared loops, Qwest does not take specific steps to determine whether faults exist that may cause data service degradation on the loop. By definition, a line-shared loop is designed to perform in the voice spectrum. Qwest does not have the ability to ensure that a line-shared loop will function using any possible ADSL data service without any degradation. Nonetheless, to ensure that CLECs gain access to as many loops as possible, in the line-sharing context, Qwest offers access to the high frequency spectrum of the local loop, line conditioning upon request, and access to detailed information about the loop. In fact, as described in the response to the previous question, Covad acknowledges that Qwest provides all of the categories of information about the loop that it needs in order to pre-qualify a loop.

It would be impossible for Qwest to ensure that faults on a voice loop would not cause some degradation of any possible ADSL data service in every circumstance – especially when the faults do not noticeably affect the voice spectrum. For example, in addition to the condition of the loop plant, data service fault sensitivity is dependent on the manufacturer of the data equipment, equipment generation (i.e., first generation, second generation, etc.), condition of the equipment, and the Quality of Service (“QoS”) provided by the equipment. No industry standards exist that address these variables in terms of faults and DSL data capability on loops. Thus, Qwest has no means to consistently apply test parameters to make the determination of a loop's capability and, conversely, the degree of data degradation faults present to the DSL service, to carry DSL data.

Additionally, the provisioning interval for line-shared loops provides too little time to perform fault detection and correction during the provisioning process. Line-shared loops, by design, are provisioned in a non-complex manner. At the inception of Qwest's line-shared loop product offering, CLECs voiced preference for a short interval (currently 3 days, as referenced in Qwest's Standard Interval Guide) and low cost.³³ In order to

³³

Covad has formalized its desire for even shorter line shared loop provisioning intervals in its CMP CR PC101802-3. Since the key tools for reducing intervals are systemization and process improvement, there is a fundamental conflict with Covad's eleventh-hour request for provisioning MLT. The additional

accommodate this preference, Qwest provisions line-shared loops using a non-designed, or POTS, process methodology. The POTS provisioning process meets the requirements for shorter intervals and lower cost by requiring little in the way of manual intervention; that is, the order flows automatically through Qwest systems. By contrast, complex designed services require longer intervals to accommodate human intervention and additional testing requirements. The standard 3-day provisioning interval for shared loops leave too little time to perform fault testing *and* fault correction.

Notwithstanding the limited testing capability in the POTS process and Qwest's inability to warrant data service levels, Qwest has voluntarily accommodated CLEC requests for additional testing of line-shared loops to ensure the physical path the data follows has the *capability* to carry data traffic. Qwest performs two tests during provisioning of a line-shared loop: (1) a load coil detection test and (2) a central office electrical continuity test. The existence of load coils on the line will degrade or inhibit data service; thus, detection during provisioning prevents delivery of a problem loop. Central office electrical continuity testing ensures that the data path in the central office has no faults that will prevent data from reaching the loop. Additionally, as a result of a Covad's request, Qwest will commence central office router testing by the end of first quarter 2003 to, again, assure that the data path is complete and functioning prior to providing the line shared loop to the CLEC. These tests, along with the data provided by Qwest through the Raw Loop Data Tool, provide CLECs with ample information about the capability of a given loop to carry data.

Question 5: *How does Qwest ensure that the "Makeup Field" in the RLDT contains current information, given that "Qwest's loopplant is subject to changing conditions, for example, environmental changes, human intervention, and aging"?*

The "Make-up Field" in the Raw Loop Data Tool contains the most current and accurate information regarding physical characteristics of a loop. The data contained in this field resides in the Loop Qualification Database ("LQDB"), which uses LFACS as its source for loop make-up information. LFACS is updated in one of the following ways: (1) when order activity occurs, updates to LFACS are made without human intervention, coincident with order completion; (2) when engineering jobs are completed to add new facilities or retrofit existing (aging) plant, the network engineers provide this information to the Loop Provisioning Center ("LPC"), which updates LFACS to reflect the new loop data; (3) when a network field technician determines that an inconsistency exists on a cable pair, the correct information is provided to the LPC, which updates LFACS; and (4) when a request is made for manual loop make-up (either from Qwest retail or from a CLEC), the Database Administration Group ("DAG") investigates and retrieves the information from engineering records, providing it to the requestor via e-mail, and if there is a need to update

complexity associated with performing MLT and correcting faults identified through the test suggests more time and cost rather than less.

the loop make-up information, any revised information on the loop make-up is manually input into LFACS. The loop plant information provided by the LQDB is not subject to environmental conditions, and therefore this is not relevant for loop make-up provided by the RLDT in the “makeup field.”

In each circumstance described above, revised loop make-up information is updated on a monthly basis to LQDB and accessible to CLECs when they perform a loop qualification request. In addition, modified information on cable name, cable pair number and terminal ID are available through the real time, “recent changes” check, which is invoked when a CLEC performs a loop qualification query through the RLDT. Once the revised make-up information is updated in LFACS, it becomes available at the same time and on the same basis to both CLECs and Qwest’s retail representatives.

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Attachment 1

3 Pages

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VOLUME 3 - SEPTEMBER 6, 2002

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

PUC DOCKET NO: P-421/CI-01-1371
OAH DOCKET NO. 7-2500-14486-2

In the Matter of a Commission Investigation
into west's Compliance with Section 271(c)(2)(B)
of the Telecommunications Act of 1996; checklist
Items 1, 2, 4, 5, 6, 11, 13 and 14

Minnesota public Utilities Commission
350 Metro square Building
121 seventh Place East
St. Paul, Minnesota

Met, pursuant to notice, at 9:00 in the
morning on September 6, 2002.

BEFORE: Judge Richard C. Luis
REPORTER: Janet shaddix Elling

SHADDIX & ASSOCIATES (952)888-7687 1(800)952-0163

0002

APPEARANCES:

JASON TOPP, Attorney at Law, Qwest
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Minneapolis, Minnesota 55402. and ROBERT CATTANACH
and SHANNON HEIM, Attorneys at Law, Dorsey &
Whitney, 220 south sixth street, Suite 1700,
Minneapolis, Minnesota 55402, and CHUCK STEESE,
Attorney at Law, 6400 south Fiddlers Green Circle,
suite 1710, Denver, Colorado 80111, appeared for
and on behalf of west Corporation.

PRITI PATEL and GINNY ZELLER, Assistant
Attorneys General, 525 Park street, Suite 200,
St. Paul, Minnesota 55103-2106, appeared for and
on behalf of the Department of Commerce.

RAY, Attorney at Law, Moss &
Barnett, 90 south seventh Street, Suite 4800,
Minneapolis, Minnesota 55402, appeared for and on
behalf of the CLEC Consortium.

LESLEY JAMES LEHR, Senior Attorney, 638
Summit Avenue, St. Paul, Minnesota 55105, appeared
for and on behalf of worldcom.

REBECCA DeCOOK, STEVEN WEIGLER, LETTY
FRIESEN and RICHARD WALTERS, Attorneys at Law,
1875 Lawrence Street, 15th Floor, Denver, Colorado
80202, appeared for and on behalf of AT&T.

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0003

APPEARANCES: (CONTINUED)

K. MEGAN DOBERNECK, Attorney at Law,
7901 Lowry Boulevard, Denver, Colorado 80230,
appeared for and on behalf of covad

communications.

COMMISSION STAFF:
Diane Wells and Ray Smith

WHEREUPON, the following proceedings
were duly had and entered of record, to wit:

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0004

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0005

JUDGE LUIS: All right. Let's go on the
record now for the morning of September 6th, the
third day in this proceeding, and Mr. Pappas is
back with us on the witness stand. Mr. Pappas,
I remind you that you're still under oath.

24 service, is that consistent with any sort of
25 industry-wide definition or use of **the phrase**
SHADDIX & ASSOCIATES (952)888-7687 1(800)952-0163

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1 design service?
2 A I'm not aware that **it** aligns with **an** industry
3 standard or not.
4 Q Now, you are aware, are you not, that this **11** step
5 process is now -- I mean, **it** is now the standard
6 **Qwest** process for the provisioning of unbundled
7 loops; correct? I'm sorry, xDSL loops or two-wire
8 nonloaded loops, **if** you want to call them that.
9 A can you restate your question?
10 Q sure. On the **11** step process, that is a process
11 that **Qwest** goes through when **it** receives a request
12 from a CLEC to provision a two-wire nonloaded
13 loop; correct?
14 A It's not -- **it** doesn't automatically flow into the
15 **11** step process. We would have the order attempt
16 to flow through looking for a loop that was
17 nonloaded, and **if** there was one available **it** would
18 assign **it**. **If** not, then, we would have to -- **it**
19 would flow over there into that process, see **if**
20 you've okayed conditioning, all those steps.
21 Q I'm sorry, and I didn't mean to misspeak, because
22 the **11** step process, as I understand **it**, kicks in
23 **if** on sort of the first look at this order there
24 are no facilities immediately available to fill
25 **it**; is that correct?

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1 A That's correct, yes.
2 Q But with the **Qwest** commitment to use this **11** step
3 process in order to determine whether facilities
4 are available, **Qwest** requested that all CLECs
5 agree to a 72-hour interval for FOCs for these
6 two-wire nonloaded loops; correct?
7 A I guess I don't agree with the characterization,
8 of-the way you're-characterizing the question.
9 Q Are you suggesting that **if** the FOC interval for
10 two-wire nonloaded loops was 24 hours, **Qwest** would
11 still go through this **11** step assignment process?
12 A No, we probably would not, there's just not enough
13 time to perform all the work that's required,
14 hence the reason for the 72-hour FOC.
15 Q So would **it** be fair to say that in exchange for an
16 agreement for a 72-hour FOC interval, **Qwest** agreed
17 to use the **11** step assignment process **if**
18 facilities are not available?
19 A I believe that **Qwest** implemented that because that
20 was the same process that we used on the retail
21 side of the business and we now follow -- or
22 followed **it** on the wholesale side also.
23 Q Turning to, I believe, the description, that the
24 **11** step process is actually attached to both
25 **Ms. Liston's** original affidavit as JML-Loop-13, as

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0096

1 well as your rebuttal affidavit. For purposes of
2 this portion of my cross-examination I am looking
3 at JML-Loop-13.
4 A I have that document.
5 Q And I just have a few questions about the specific

Attachment 2

3 Pages

0001

VOLUME 16

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

PUC DOCKET NO: **P-421/CI-01-1371**

OAH DOCKET NO: 7-2500-14486-2

In the Matter of a Commission Investigation
into west's compliance with section 271(c)(2)(B)
of the Telecommunications Act of 1996; Checklist
Items 1, 2, 4, 5, 6, 11, 13 and 14

Minnesota Public Utilities Commission
350 Metro square Building
121 seventh Place East
St. Paul, Minnesota

Met, pursuant to notice, at 9:10 in the
morning on October 8, 2002.

BEFORE: Judge Richard Luis
REPORTER: Angie D. Threlkeld, RPR CRR

0002

APPEARANCES:

JASON TOPP, Attorney at Law, Qwest
corporation, 200 south Fifth Street, Room 395,
Minneapolis, Minnesota 55402, ROBERT CATTANACH and
SHANNON HEIM, Attorneys at Law, Dorsey & Whitney,
220 south sixth Street, suite 1700, Minneapolis,
Minnesota 55402, CHUCK STEESE, Attorney at Law,
6400 south Fiddlers Green Circle, suite 1710,
Denver, Colorado 80111, and ANDREW D. CRAIN,
Attorney at Law, Qwest corporation, 1801 California
Street, 49th Floor, Denver, Colorado 80202, appeared
for and on behalf of Qwest Corporation.

PRITI PATEL and GINNY ZELLER, Assistant
Attorneys General, 525 Park Street, suite 200,
St. Paul, Minnesota 55103-2106, appeared for and on
behalf of the Department of Commerce.

CECILIA RAY, Attorney at Law, Moss &
Barnett, 90 south seventh street, suite 4800,
Minneapolis, Minnesota 55402, appeared for and on
behalf of the CLEC Consortium.

LESLEY JAMES LEHR, senior Attorney,
638 summit Avenue, St. Paul, Minnesota 55105,
appeared for and on behalf of worldcom.

0003

APPEARANCES: (CONT'D.)

REBECCA DECOOK, STEVEN WEIGLER, LETTY
FRIESEN and RICHARD WALTERS. Attorneys at Law.
1875 Lawrence Street, 15th Floor, Denver, Colorado

October 8-Day 16 Public.txt
80202, appeared for and on behalf of AT&T.
K. MEGAN DOBERNECK, Attorney at Law,
7901 Lowry Boulevard, Denver, Colorado 80230,
appeared for and on behalf of covad Communications.

COMMISSION STAFF:
Diane wells and Ray Smith

WHEREUPON, the following proceedings were
duly had and entered of record, to wit:

0004

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178 - Complaint File Record	26	38	38
179 - West's response to DOC I R 18	27	38	38
COVAD EXHIBITS:			
180 - Camarota response testimony, public	40	43	43
181 - Camarota resuonse testimony, trade secret	40	44	44
182 - Cutcher surrebuttal, public	40	45	45
183 - Cutcher surrebuttal, trade secret	40	45	45
184 - Group of pink documents with the first four pages being a covad response	117	131	131
QWEST EXHIBITS:			
136 - Simpson drawing	6		
137 - Simpson drawing	6		

25 MR. STEESE: one more moment, Your Honor.

0085

1 JUDGE LUIS: certainly.
2 MR. STEESE: And I apologize. I have
3 many, many data request responses here. It takes me
4 a moment to Dull them.
5 JUDGE LUIS: That's fine. It's okay.
6 MR. STEESE: Let's move on.

7 BY MR. STEESE:
8 O covad uses the raw loop data tool when it's ordering
9 shared loops; correct?

10 A Yes.
11 Q It does not -- make sure I emphasize that -- does
12 not use the raw loop data tool when it's ordering
13 unbundled loops, not shared loops, but stand-alone
14 loops; correct?

15 A correct.
16 Q And the reason is because covad knows that west
17 will do everything it can through the 11-step
18 process to provision a loop, whether or not the loop
19 currently serving the customer meets the DSL
20 standards or not; true?

21 A well, covad has its own prequalification tool. And,
22 yes, there's the understanding that west will go
23 through the process to provision orders for covad.
24 Q when you say you have your own prequalification
25 tool, is that a tool that you've developed without

0086

1 west's data?
2 A It's developed on past experience. There's -- I
3 wouldn't call it artificial intelligence, but past
4 experience with provisioning in the-west region.
5 so there is some intelligence in there.

6 Q And so --
7 A specifically access to west's loop data, no.
8 Q I want to ask a few questions here. I have no idea
9 if this is proprietary or not.

10 MR. STEESE: Can I proceed?
11 MS. DOBERNECK: Yeah. If something comes
12 up, I'll let you know, but I don't think so.
13 JUDGE LUIS: Let me just clarify
14 something with the witness. Your last answer,
15 Ms. Cutcher, specific access to west's loop data,
16 no. That was it?

17 THE WITNESS: correct.
18 JUDGE LUIS: Thank you. Got it.
19 MR. STEESE: Can you read the last
20 question and response back to me, please?
21 (whereupon, the requested portion was
22 read back by the court reporter.)
23 MR. STEESE: Your Honor, if I may be so
24 bold, you just read something that confused me,
25 which is why I asked. You said with respect to

0087

1 west's data, no. I'm confused.
2 JUDGE LUIS: Actually that Q and A goes
3 on after. So there is some intelligence in there.
4 It goes on, And so, from you. And then she added,
5 specifically access to west's loop data, no.
6 MR. STEESE: Thank you.

7 BY MR. STEESE:
8 Q And this tool that you have developed is not based
9 on raw loop information then; it's just based on

ORIGINAL

Confidential Attachment 3

Minnesota Hearing Exhibit 57

17 Pages Redacted

Attachment 4

3 Pages

VOLUME 6

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

PUC DOCKET NO: P-421/CI-01-1371

OAH DOCKET NO: 7-2500-14486-2

In the Matter of a Commission Investigation
into west's Compliance with section 271(c)(2)(B)
of the Telecommunications Act of 1996; checklist
Items 1, 2, 4, 5, 6, 11, 13 and 14

Minnesota public Utilities Commission
350 Metro Square Building
121 seventh Place East-
St. Paul, Minnesota

Met, pursuant to notice, at 9:03 in the
morning on September 11, 2002.

BEFORE: Judge Richard Luis
REPORTER: Angle D. Threlkeld, RPR CRR

ORIGINAL

APPEARANCES:

JASON TOPP, Attorney at Law, west
Corporation, 200 south Fifth Street, Room 395,
Minneapolis, Minnesota 55402, ROBERT CATTANACH and
SHANNON HEIL, Attorneys at Law, Dorsey & Whitney,
220 south sixth street, Suite 1700, Minneapolis,
Minnesota 55402, CHUCK STEESE, Attorney at Law,
6400 south Fiddlers Green Circle, suite 1710,
Denver, Colorado 80111, and ANDREW D. CRAIN,
Attorney at Law, west corporation, 1801 California
street, 49th Floor, Denver, Colorado 80202, appeared
for and on behalf of west Corporation.

PRITI PATEL and GINNY ZELLER, Assistant
Attorneys General, 525 Park Street, Suite 200,
St. Paul, Minnesota 55103-2106, appeared for and on
behalf of the Department of Commerce.

CECIL ARAY, Attorney at Law, Moss &
Barnett, 90 south seventh street, suite 4800,
Minneapolis, Minnesota 55402, appeared for and on
behalf of the CLEC Consortium.

LESLEY JAMES LEHR, senior Attorney,
638 Summit Avenue, St. Paul, Minnesota 55105,
appeared for and on behalf of worldcom.

APPEARANCES: (CONT'D.)

REBECCA DECOOK, STEVEN WEIGLER, LETTY
FRIESEN and RICHARD WALTERS, Attorneys at Law,
1875 Lawrence Street, 15th Floor, Denver, Colorado

Sept 11-Day 6.txt
80202, appeared for and on behalf of AT&T.
K. MEGAN DOBERNECK, Attorney at Law,
7901 Lowry Boulevard, Denver, Colorado 80230,
appeared for and on behalf of covad Communications.

COMMISSION STAFF:
Diane wells and Ray Smith

WHEREUPON, the following proceedings were
duly had and entered of record, to wit:

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	60 - section 5	145 145

I N D E X - V O L U M E 6 (CONT'D.)

61 - schultz reply affidavit,

0031

1 my exception at this point. Ms. Brohl has not been
2 proffered as an expert as to legal requirements or
3 standards. she is here as a subject matter expert.
4 And she's either a lawyer or a subject matter
5 expert. ■ believe she s been proffered as a subject
6 matter expert and is not aualified to render a legal
7 opinion.

8 JUDGE LUIS: Exception's noted. Go

9 ahead.

10 BY MR. STEESE:

11 Q Ms. Brohl --

12 MR. STEESE: can you read my last
13 question back, please?

14 (Whereupon, the requested portion was
15 read back by the court reporter.)

16 THE WITNESS: ■ don't believe so. AS I
17 have read the orders that have come out of the other
18 271 applications, it does not appear that those
19 particular ILECS have been required to provide
20 direct access to LFACS, even though their engineers
21 would have had direct access to LFACS.

22 BY MR. STEESE:

23 Q To the extent that Owest retail -- strike that. Do
24 you recall questions' yesterday when Ms. Doberneck
25 was asking you about the manual look-up process for

0032

1 west retail?

2 A Yes.

3 Q when Owest retail has occasion to do a manual
4 look-up process, does it go to the engineers who can
5 pull that information directly from LFACS?

6 A It submits -- west retail, when it needs to have a
7 manual loop makeup process performed for it, submits
8 an e-mail to a particular group in network that is
9 the same group that handles that on the wholesale
10 side; and those individuals, those engineers would
11 have to look in any database that they have
12 available to them to determine what the actual loop
13 makeup is.

14 Q Including LFACS?

15 A Including LFACS.

16 Q Now let's assume you're a CLEC. And do you recall
17 questions yesterday about the manual process for
18 CLECS?

19 A Yes.

20 Q If a CLEC needed a manual look-up about a particular
21 loop, how would they submit that manual query?

22 A well, as ■ mentioned yesterday, in Exhibit 49,
23 Exhibit BIB-Loop Qual-2, there is a particular
24 appendix, and I believe it's on page 105 -- I'd have
25 to find it -- that discusses -- it's appendix D, and

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1 it discusses what to do if the makeuo data is not
2 returned. And in that one it's the very same
3 process. The CLEC would submit an e-mail to that
4 particular group in network and request additional
5 loop information or correct loop makeup information.

6 Q And to whom or which group -- not by title, but --
7 how would this request flow into west?

8 A well, the e-mail goes directly to that group.

9 Q which group?

10 A That -- I'm going to find out this name, because

Confidential Attachment 5

Minnesota Hearing Exhibit 82

20 Pages Redacted

Attachment 6

5 Pages

VOLUME 7

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

PUC DOCKET NO: P-421/CI-01-1371

OAH DOCKET NO: 7-2500-14486-2

In the Matter of a Commission Investigation
into West's Compliance with section 271(c)(2)(B)
of the Telecommunications Act of 1996; checklist
Items 1, 2, 4, 5, 6, 11, 13 and 14

Minnesota Public Utilities commission
350 Metro square Building
121 Seventh Place East
St. Paul, Minnesota

Met, pursuant to notice, at 9:05 in the
morning on September 12, 2002.

BEFORE: Judge Richard Luis
REPORTER: Angle D. Threlkeld, RPR CRR

APPEARANCES:

JASON TOPP, Attorney at Law, Qwest
Corporation, 200 South Fifth Street, Room 395,
Minneapolis, Minnesota 55402, and ROBERT CATTANACH
and SHANNON HEIL, Attorneys at Law, Dorsey &
Whitney, 220 south Sixth street, suite 1700,
Minneapolis, Minnesota 55402, and CHUCK STEESE,
Attorney at Law, 6400 south Fiddlers Green Circle,
suite 1710, Denver, Colorado 80111, appeared for and
on behalf of Qwest Corporation.

PRITI PATEL and GINNY ZELLER, Assistant
Attorneys General, 525 Park Street, Suite 200,
St. Paul, Minnesota 55103-2106, appeared for and on
behalf of the Department of Commerce.

CHRISTOPHER RAY, Attorney at Law, Moss &
Barnett, 90 south seventh street, Suite 4800,
Minneapolis, Minnesota 55402, appeared for and on
behalf of the CLEC Consortium.

LESLEY JAMES LEHR, Senior Attorney,
638 summit Avenue, St. Paul, Minnesota 55105,
appeared for and on behalf of worldcom.

REBECCA DECOOK, STEVEN WEIGLER, LETTY
FRIESEN and RICHARD WALTERS, Attorneys at Law,
1875 Lawrence street, 15th Floor, Denver, Colorado
80202, appeared for and on behalf of AT&T.

APPEARANCES: (CONT'D.)

K. MEGAN DOBERNECK, Attorney at Law,
7901 Lowry Boulevard, Denver, Colorado 80230,
appeared for and on behalf of covad communications.

COMMISSION STAFF:
Diane wells and Ray smith

WHEREUPON, the following proceedings were
duly had and entered of record, to wit:

I N D E X - V O L U M E 7

WITNESS	PAGE
KENNETH WILSON	
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Redirect Examination by Ms. Friesen	19
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Redirect Examination by Ms. Friesen	164
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KAREN STEWART	
Direct Examination by Mr. Steese	169
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76 - CLEC-specific information	130 143 143
77 - Stewart Reply Affidavit, Emeraina services, Line sharing; Line Splitting, and Packet switching, 8/2/02 (public)	168 184 184
78 - Stewart Reply Affidavit, Emerging services! Line sharing, Line Splitting,	

23 and Packet Switching,
24 8/2/02 (nonpublic) 168 184 184
25

0005
1 I N D E X - V O L U M E 7 (CONT'D.)
2

3 79 - Stewart Affidavit,
4 Checklist Item 2, 1/16/02 168 184 184
5
6 80 - Stewart Reply Affidavit,
7 checklist Item 2, 8/2/02 168 184 184
8 AT&T EXHIBITS:
9 74 - Wilson drawing 109 167 167
10 75 - Rea affidavit,
11 6/10/02, win back 109
12 (Partial) 111 111
13 COVAD EXHIBITS:
14 81 - Trade secret Attachment A 205 215 215
15 82 - Trade Secret Attachment N 225 225 226/246
16 83 - Trade Secret Attachment BH 228 242 242
17
18
19
20
21
22
23
24
25

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0006

1 (whereupon, west Exhibit 58 was
2 remarked for identification by the
3 court reporter.)
4 JUDGE LUIS: All right. Let's go on the
5 record. This is the morning of the 12th of
6 September. Kenneth Wilson is back with us as the
7 witness.
8 Mr. Wilson, ■■■■ remind you that you're
9 still under oath.
10 THE WITNESS: yes, Your Honor.
11 JUDGE LUIS: All right. Before we
12 proceed, it's my understanding that there is a -- is
13 this a substitute ~~Qwest~~ Exhibit 58, this package?
14 MR. STEESE: Yes, Your Honor.
15 JUDGE LUIS: And why is this substitution
16 made? Refresh me.
17 MR. STEESE: It's made because we put it
18 on the wrong color paper. Pink is supposed to
19 represent the customer-specific information, and we
20 made a mistake.
21 JUDGE LUIS: Yes, ■■ recall that now.
22 Thank you. So the documents otherwise read the
23 same?
24 MR. STEESE: Yes, Your Honor.
25 JUDGE LUIS: Thank you. All right. And

0007

1 I have reserved a number 74 for the drawing that
Mr. Wilson put on the easel. I don't know whether
that's ready yet or not.

products that a CLEC can order from Qwest -- a CLEC can out across a west loop in a line sharing arrangement.

JUDGE LUIS: All right. Fine. That's good.

THE WITNESS: I'm trying to say it's not the only version.

JUDGE LUIS: Thank you.

THE WITNESS: It is the predominant version.

JUDGE LUIS: Thank you. The way these proceedings work, of course, and you know, she didn't ask you for clarification. she just asked you for an answer to the question. So just answer the question, please.

(whereupon, covad Exhibit 82 was marked for identification by the court reporter.)

BY MS. DOBERNECK:

Q Ms. Stewart, what's been placed in front of you as

Exhibit 82 is west's trade secret attachment A to its response to covad information request number 112. I'd like to move --

JUDGE LUIS: It says actually -- Did you say A? It's N.

MS. DOBERNECK: Did I say A? I'm sorry, it is N. It's trade secret attachment N, which has been marked as Exhibit 82. And it is the trade secret attachment N to Covad's response -- to west's response to Covad information request number 112. And at this time I'd like to move for the admission of Exhibit 82 into evidence.

(whereupon, covad Exhibit 82 was offered.)

MR. STEESE: Your Honor, I don't believe I will have an objection. If she can ask a foundational question or two to make sure that Ms. Stewart has some familiarity with this, then that will be fine.

MS. DOBERNECK: Actually, Your Honor, I'm not certain if familiarity is really actually necessary, given that this is a west-generated document produced in the course of its discovery. And I think it actually doesn't need foundation in order to be admitted because it's a -- as I

understand, a regular -- or a document produced in the course of west's regular business.

JUDGE LUIS: Yes, Exhibit 82 is admitted to the record.

(whereupon, covad Exhibit 82 was received.)

MS. DOBERNECK: Thank you, Your Honor.

BY MS. DOBERNECK:

Q okay. I almost called you Ms. Brohl. I apologize, Ms. Stewart. Ms. Stewart, now getting back to Qwest's provisioning practices, if the prequalification tool comes back green and west then seeks to provision that order and it determines that there are problems -- and I want you to focus on the distinction because previously we talked about west won't condition as part of the prequal.

ORIGINAL

17 so --
18 A That's correct.
19 Q -- we're post prequal. So we prequal. But when
20 west goes to provision, it determines, for example,
21 that there's a problem with the line; there's load
22 coil or excessive bridge tap. under those
23 circumstances is it your testimony that west will
24 not condition a loop in order to provide service?
25 A That is correct. In a provisioning context when
0228
1 you're first putting in the service, if it's
2 determined that the loop is not qualified via either
3 the qualification tool or the actual installation
4 effort, then the service would not be provided.
5 Q And during the installation effort is it your
6 understanding that, for example, when west would
7 actually test to see, okay, can this loop do what we
8 want it to do, then it would uncover those problems?
9 A correct.
10 Q And do you consider that installation effort to be
11 part of the provisioning process?
12 A yes.
13 MR. STEESE: object. okay.
14 THE WITNESS: If it's the initial
15 installation job. And I'm just trying to be clear,
16 to categorize installation separate from what may be
17 repair and maintenance activities.
18 BY MS. DOBERNECK:
19 Q okay. well, when I think about installation, ■
20 think of it as something that happens before the
21 order is closed out.
22 A I would agree.
23 Q okay. Thank you. And is it also your testimony
24 that west would undertake no line and station
25 transfers in order to provision that particular
0229
1 1000?
2 A That -- That is my understanding, yes.
3 Q okay. And since we talked before that you consider
4 a pair change to be essentially a line and station
5 transfer, if I said west won't make a pair change,
6 would your answer be that's correct?
7 A That's correct.
8 MS. DOBERNECK: one moment, your Honor.
9 (Whereupon, covad Exhibit 83 was
10 marked for identification by the
11 court reporter.)
12 BY MS. DOBERNECK:
13 Q okay. Ms. Stewart, marked as Exhibit 83 and in
14 front of you is trade secret attachment BH, which
15 was attached to west's response to covad
16 information request number 112. And let me know
17 when you've had a moment to review this.
18 A Yes, if I could. Thank you.
19 Q Now, on the front -- I think I can ask a few
20 questions without going into confidential. Now,
21 this document talks about Megabit, which is the
22 prior incarnation of west DSL?
23 A Correct.
24 Q And when did Megabit become Qwest DSL?
25 A I don't remember the exact date and when it -- the
0230
1 name changed.

Confidential Attachment 7

Minnesota Hearing Exhibit 28

9 Pages Redacted

Confidential Attachment 8

Minnesota Hearing Exhibit 27

4 Pages Redacted

Confidential Attachment 9

Minnesota Hearing Exhibit 83

2 Pages Redacted

ORIGINAL

Attachment 10

7 Pages

0001

VOLUME 8 - SEPTEMBER 13, 2002

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

PUC DOCKET NO: P-421/CI-01-1371
OAH DOCKET NO. 7-2500-14486-2

In the Matter of a Commission Investigation
into Qwest's **Compliance** with Section 271(c)(2)(B)
of the **Telecommunications** Act of 1996; checklist-
Items 1, 2, 4, 5, 6, 11, 13 and 14

Minnesota public Utilities Commission
350 Metro square Building
121 seventh Place East
St. Paul, Minnesota

Met, pursuant to notice, at 9:00 in the
morning on September 13, 2002.

BEFORE: Judge Richard C. Luis
REPORTER: Janet shaddix Elling

SHADDIX & ASSOCIATES (952)888-7687 1(800)952-0163

0002

APPEARANCES:

JASON TOPP, Attorney at Law, west
Corporation, 200 south Fifth street, Room 395,
Minneapolis, Minnesota 55402, and ROBERT CATTANACH
and SHANNON HEIM, Attorneys at Law, Dorsey &
whitney, 220 south Sixth Street, Suite 1700,
Minneapolis, Minnesota 55402, and CHUCK STEESE,
Attorney at Law, 6400 south Fiddlers Green Circle,
Suite 1710, Denver, Colorado 80111, appeared for
and on behalf of west Corporation.

PRITI PATEL and GINNY ZELLER, Assistant
Attorneys General, 525 Park Street, Suite 200,
St. Paul, Minnesota 55103-2106, appeared for and
on behalf of the Department of Commerce.

RAY, Attorney at Law, Moss &
Barnett, 90 south seventh Street, suite 4800,
Minneapolis, Minnesota 55402, appeared for and on
behalf of the CLEC Consortium.

LESLEY JAMES LEHR, Senior Attorney, 638
Summit Avenue, St. Paul, Minnesota 55105, appeared
for and on behalf of worldcom.

REBECCA DeCOOK, STEVEN WEIGLER, LETTY
FRIESEN and RICHARD WALTERS, Attorneys at Law,
1875 Lawrence Street, 15th Floor, Denver, Colorado
80202, appeared for and on behalf of AT&T.
SHADDIX & ASSOCIATES (952)888-7687 1(800)952-0163

001D3

APPEARANCES: (CONTINUED)

K. MEGAN DOBERNECK, Attorney at Law,
7901 Lowry Boulevard, Denver, Colorado 80230,
appeared for and on behalf of covad

communications.

COMMISSION STAFF:
Diane Wells and Ray Smith

WHEREUPON, the following proceedings
were duly had and entered of record, to wit:

SHADDIX & ASSOCIATES (952)888-7687 1(800)952-0163

0004

I N D E X - V O L U M E 8

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I N D E X - V O L U M E 8 (continued)

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status of line sharing cost work in the state of Minnesota.

MS. PATEL: Okay, thank you. That's all I have. Oh, except for the admission of my exhibits, 90 and -- I'm sorry, 91 and 92 into the record.

JUDGE LUIS: Right. DOC Exhibits 91 and 92 are offered, any objections?

MR. STEESE: No objections.

JUDGE LUIS: okay. Department Exhibits 91 and 92 are admitted to the record. Are there any questions for this witness from staff?

MR. SMITH: None, Your Honor.

JUDGE LUIS: Mr. Steese, whenever you're ready you can go ahead with redirect.

REDIRECT EXAMINATION

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1 BY MR. STEESE:

2 Q Just a few questions on Ms. Patel's first and then
3 we'll move to Ms. Doberneck's questions. Are you
4 aware of whether Qwest has generated a cost study
5 for line sharing generally?

6 A Generally my understanding is that Qwest has done
7 cost work on line sharing, to the extent of what
8 it contains, I don't represent costs for west.

9 Q Do you know -- do you know the status of the cost
10 docket and what's been filed in cost dockets here
11 in the state of Minnesota?

12 A NO, I do not.

13 Q Do you recall the questions by Ms. Patel
14 concerning whether the CLEC would be absolutely
15 unaware of what the cost would be for a line and
16 station transfer?

17 A Yes, I do.

18 Q Do you think that CLECs, having experience in the
19 telecommunications industry themselves, would have
20 a pretty good idea of how much time it's going to
21 take to do a line and station transfer?

22 A Yes. I would believe they would have individuals
23 who would know that.

24 Q Last, on the costing question, do you recall
25 Ms. Patel's question, is there any circumstance on

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1 the retail side where a customer calls up and says
2 I want to know how much it's going to cost for X
3 and you can't tell them right away; do you
4 remember that?

5 A Yes, I do.

6 Q Are there situations where an individual has a
7 home that requires a buildout that might be an
8 extended buildout, where often there's costs
9 associated with that that must be determined on
10 the retail side?

11 A correct. Yes, I am aware of that.

12 Q Even for basic exchange service?

13 A Correct. Particularly in the case if there was
14 some type of extension of the drop necessary.

15 Q There were many questions for you over the course
16 of the last day or so on retail DSL; correct?

17 A Correct.

18 Q My next couple of questions will be on retail, so

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19 ■want won't say **it** every time. Has Qwest
20 considered doing line conditioning for its retail
21 DSL?

22 A Yes.

23 Q Has Qwest considered doing line and station
24 transfers for its retail DSL?

25 A Yes.

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1 Q why, to date, has Qwest retail decided not to do
2 line conditioning and LSTS?

3 A The individuals who are responsible for those
4 products took a look at **it** in its entirety and
5 came back and made the business decision that they
6 wouldn't offer the line and station transfers and
7 loop conditioning, although they continue to
8 evaluate that on an ongoing basis.

9 Q You made reference to a rough date of 2002 of a
10 change from a designed service flow for retail DSL
11 to a POTS flow; correct?

12 A Correct.

13 Q when such a change occurs does Qwest change its
14 process documents?

15 A Yes.

16 Q when Ms. Doberneck put in front of you certain
17 documents that you stated were outdated, is **it** the
18 natural course for those to be corrected and run
19 through process and eventually republished by
20 West?

21 A Eventually they would be republished, or the
22 information might be included in another document,
23 it's not always a **given** that every document lives
24 when you have a change in process.

25 Q Let's look at some of those documents very
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1 quickly. Exhibit Number 90, of which ■do not
2 have a copy, **it** was the --

3 MS. DOBERNECK: I do.

4 BY MR. STEESE:

5 Q **It** was the hot pink repair document. Is that the
6 process used for retail DSL repair today?

7 A Yes. That is my understanding.

8 Q So even though there is current reiterations in
9 process, since that has not yet been finalized
10 this is the document used today?

11 A That is my understanding, yes.

12 MR. STEESE: Thank you, Ms. Doberneck.

13 MS. DOBERNECK: You're welcome.

14 BY MR. STEESE:

15 Q Let's turn to Exhibit Number 57. **First**, the
16 thirteenth page in, do you see the first
17 italicized paragraph there?

18 A Yes, ■do.

19 Q without reading that into the record, can you
20 summarize what that document says there?

21 A what this document says, it's a script for our
22 retail customer -- or excuse me, our retail
23 service reps to use when they're dealing with
24 retail requests for DSL, and what the italicized
25 is is how we are to **respond** -- how a retail

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1 service rep is to respond if the DSL request would
2 require conditioning, and basically in summary it
3 says our current tariff rates and policies do not
4 allow us to offer line conditioning for retail
5 DSL.

6 Q Turning the page again, Exhibit 57, do you see the
7 italicized section about halfway down?

8 A Yes, I do. It's a --

9 MS. DOEERNECK: I'm sorry, what?

10 MR. STEESE: The very next page.

11 MS. DOBERNECK: Thank you.

12 THE WITNESS: The very next page
13 continues with the language, the response that the
14 service rep is supposed to give if the person
15 asked, well, why don't you just switch my service
16 to a loop that would support Qwest DSL, and in
17 summary what it says is that Qwest does not allow
18 for switching facilities to enable DSL
19 qualification.

20 BY MR. STEESE:

21 Q And does this go to line and station transfers?

22 A Yes, it does.

23 Q so basically Qwest has a script to tell customers
24 that it doesn't perform line and station
25 transfers, although it might not use those words,
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0104 1 the customers won't know what that means, to
2 provide DSL to them?

3 A correct.

4 Q Let's turn to Exhibit Number 83. And before we
5 ask any specific questions about this, when you
6 were given these documents yesterday had you had a
7 full chance to review and study them during your
8 direct examination?

9 A No, I did not.

10 Q And each of -- strike that. Most of the documents
11 provided to you on process were all part of one
12 discovery request response; correct?

13 A correct.

14 Q Number 112?

15 A correct.

16 Q can you just give the court an idea of how much
17 paper you're talking about in response to
18 discovery request 112?

19 A I didn't measure it, but I would guess it was
20 somewhere between six and eight inches of paper,
21 it was quite a hefty response.

22 Q Lookin' at Exhibit 83, did you have an opportunity
23 to look at -- do you recall questions about this
24 by Ms. Doberneck yesterday?

25 A Yes, I do.

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0105 1 Q Did you have occasion to look at this more closely
2 last night?

3 A Yes, I did.

4 Q Do you have any thoughts on what this document
5 really pertains to?

6 A well, I had an opportunity to actually study the
7 document and I then was able to determine that
8 this was indeed the provisioning process flow for
9 a particular jeopardy code, so that in the

provisioning process, if the jeopardy code was put on the line, here's how you would follow, and it appeared that the jeopardy code which is identified on the second page, the first diamond, that it's a K15 jeopardy code, so if a K15 jeopardy code were to be put on a line sharing order this is what you would do.

MR. STEESE: Your Honor, as you can see, I'm trying to move through this, so I'd like to have an exhibit marked.

(whereupon, Qwest Exhibit 93 was marked for identification by the court reporter.)

BY MR. STEESE:

Q Do you see what's been marked as Exhibit 93 before you, Ms. Stewart?

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1 A Yes, I do.

2 Q Is this another document produced by West as part of data request response 112?

3 A Yes, it is.

4 Q Is this another document kept by Qwest in the ordinary course of business?

5 A Yes.

6 MR. STEESE: West would move the admission of Qwest Exhibit 93.

7 MS. DOBERNECK: NO objection, Your Honor.

8 JUDGE LUIS: Nobody? Thank you. Exhibit 93, Qwest Exhibit 93, is admitted to the record.

9 BY MR. STEESE:

10 Q Can you please describe what Exhibit 93 is?

11 A It's a document that talks about the different jeopardy codes that are used for Qwest DSL and what, you know, basically the reason that you would put that jeopardy code on a DSL request.

12 Q If you look --

13 JUDGE LUIS: Is the title unclassified, not trade secret?

14 MR. STEESE: Yes, sir, it is.

15 JUDGE LUIS: It is trade secret?

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1 MR. STEESE: It is not classified.

2 JUDGE LUIS: so what does the acronym there stand for; do you know?

3 THE WITNESS: NO, I do not know.

4 JUDGE LUIS: All right. Fine, go ahead.

5 MR. STEESE: But the acronym Jep means jeopardy; right?

6 JUDGE LUIS: That's not the one I meant. I meant the NMC.

7 THE WITNESS: NMC, not met code.

8 JUDGE LUIS: Right, jep I understand, I assume that's your shorthand for jeopardy, NMC is what I was interested in, and that's not met code?

9 THE WITNESS: Right.

10 BY MR. STEESE:

11 Q If you turn to the second page of the document,

19 and I'm going to go bracket, what does jeopardy
 20 code [..] stand for?
 21 A Jeopardy code [..] stands for load coils on
 22 loop per the CO; however, this process is not
 23 currently being utilized.
 24 JUDGE LUIS: All right. who do we have
 25 on the bridge today?
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 1 MS. SACALOTTO: YOU have Ms. Sacalotto
 2 still.
 3 MR. WEIGLER: And Mr. weigler.
 4 JUDGE LUIS: All right. Anyone else?
 5 All right, fine. We're still in the bracket. Go
 6 ahead. sir.
 7 MS. DOBERNECK: I'm sorry, we're in
 8 Exhibit 57 now?
 9 MR. STEESE: Exhibit 93.
 10 MS. DOBERNECK: Exhibit 93, okay.
 11 MR. STEESE: It's the second page of
 12 Exhibit 93.
 13 JUDGE LUIS: All right. YOU may
 14 continue.
 15 MR. STEESE: I think she responded to
 16 that question already.
 17 JUDGE LUIS: I'm sorry, yes. Fine.
 18 BY MR. STEESE:
 19 Q If you turn to the fourth page of that exhibit, do
 20 you see the jeopardy code identified as [...]
 21 A Yes, I do.
 22 Q And what does that say?
 23 A It says for jeopardy code [...], load coils on
 24 loop, and then it indicates this process is not
 25 currently being utilized.
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 1 Q I'm going to go close bracket. what does that
 2 description of Exhibit Number 93 concerning
 3 jeopardy code [...] tell you about Exhibit
 4 Number 83 introduced yesterday?
 5 A It indicates that Qwest indeed does have a process
 6 for jeopardy code [...] to remove loops for
 7 Megabit or what would become Qwest DSL.
 8 Q You said remove loops?
 9 A TO remove loops -- excuse me, to remove load coils
 10 on loops associated with the provisioning of
 11 Megabit, which is Qwest DSL, however this
 12 particular policy is not in effect and is not
 13 being utilized.
 14 Q Turning now to what has been marked as Exhibit 86,
 15 and to the fourth page of that document.
 16 A I don't have 86 before me. oh, yes, I do. I'm
 17 , I do have 86.
 18 Q on the fourth page you see the header MM DSL
 19 corporate policy?
 20 A Yes, I do.
 21 Q Is everyone there? So this describes the current
 22 corporate policy of Qwest?
 23 A correct.
 24 Q what does it say with respect to line
 25 conditioning?
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Confidential Attachment 11

Minnesota Hearing Exhibit 93

7 Pages Redacted

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